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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,791	02/14/2002	Edward J. Panelli	gems0158/yod	2199
28046	7590	05/16/2006	EXAMINER	
FLETCHER, YODER & VAN SOMEREN			GLASS, RUSSELL S	
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			3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,791	PANELLI, EDWARD J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Russell S. Glass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-4, 7-11, 13-22, 29, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Corvin, (U.S. Pub. 2002/0082963).**

2. As per claim 1, Corvin discloses an electronic information system to enable a radiological image archiving system supplier to provide a customer with economic information regarding radiological image archiving system provided by the supplier, the information system comprising:

a query page stored in the electronic information system, wherein the electronic information system provides the query page to the customer via an electronic communication system, wherein the query page comprises at least one question designed, when completed by the customer, to enable the information system to

Art Unit: 3626

determine a customer's radiological imaging system usage over a period of time, (Corvin, fig. 3-6, ¶ 3, 4, 7-11); and

an application stored in the electronic information system, wherein the application establishes an expected cost reduction resulting from using a supplier's radiological image archiving system based on the customer's radiological imaging system usage, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

3. As per claim 2, Corvin discloses a system wherein the application establishes a payback period for purchasing a supplier's radiological image archiving system based on the expected cost reduction resulting from using the supplier's radiological image archiving system and on cost of the supplier's radiological image archiving system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

4. As per claim 3, Corvin discloses a system wherein the application establishes a suggested radiological image archiving system based on the customer's radiological imaging system usage, (Corvin, fig. 3-6, ¶ 3, 4, 7-11) (evaluating the feasibility of a medical diagnostic and imaging system is considered equivalent to establishing a suggested radiological image archiving system since it performs an identical function in substantially the same way and produces substantially the same results).

5. As per claim 4, Corvin discloses a system wherein the plurality of questions are designed to establish a desired digital storage capacity for the supplier's radiological

Art Unit: 3626

image archiving system based on the customer's radiological imaging system usage, (Corvin, fig. 1, ¶ 18, 19)(disclosing collecting client data such as medical resources desired by the client, said medical resources including usage of picture archiving and communications systems).

6. As per claim 7, Corvin discloses a system wherein the query page is adapted to elicit a quantity of radiological examinations performed over a specified period of time by the customer's radiological image archiving system, (Corvin, fig. 6, ¶ 41)(disclosing client quantity and time periods, and also variable and fixed costs per time period).

7. As per claim 8, Corvin discloses a system wherein the specified period of time is one day, (Corvin, fig. 6, ¶ 41)(disclosing client quantity and time periods, and also variable and fixed costs per time period).

8. As per claim 9, Corvin discloses a system wherein the query page is adapted to elicit a quantity of radiological images taken per radiological examination, (Corvin, ¶ 35) (disclosing volume and charge information query that is considered to include a quantity of radiological images taken per radiological examination).

9. As per claim 10, Corvin discloses a system wherein the query page is adapted to elicit a number of days a customer uses a radiological imaging system over a specified period of time, (Corvin, ¶ 41).

10. As per claim 11, Corvin discloses a system wherein the electronic communication system includes the Internet, (Corvin, ¶ 23).

11. As per claim 13, Corvin discloses a computer program wherein the computer program is stored in a tangible medium, wherein the computer program is adapted to enable an electronic information system to establish a customer's expected cost reductions over a period of time resulting from usage of a supplier's radiological image archiving system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

12. As per claim 14, Corvin discloses a computer program wherein the computer program directs the electronic information system to provide a query page to the customer via an electronic communication system, the query page being adapted to elicit a customer's radiological imaging system usage over the period of time, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

13. As per claim 15, Corvin discloses a computer program wherein the computer program is adapted to establish the customer's expected cost reductions from usage of a supplier's radiological image archiving system based on the customer's radiological imaging system usage over the period of time, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

14. As per claim 16, Corvin discloses a computer program wherein the electronic

Art Unit: 3626

information system includes the Internet, (Corvin, ¶ 23).

15. As per claim 17, Corvin discloses a computer program wherein the computer program directs the electronic information system to provide a query page to the customer via an electronic communication system, the query page being adapted to establish digital storage capacity for a supplier's radiological image archiving system to store radiological images produced over a specified period of time in a digital format, (Corvin, fig. 1, ¶ 18, 19)(disclosing collecting client data such as medical resources desired by the client, said medical resources including usage of picture archiving and communications systems).

16. As per claim 18, Corvin discloses a computer program, wherein the computer program is adapted to establish a payback period for purchasing a supplier's radiological image archiving system based on the expected cost reductions resulting from using the supplier's radiological image archiving system and on cost of the supplier's radiological image archiving system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

17. As per claim 19, Corvin discloses a computer program wherein the computer program is adapted to establish a desired radiological image archiving system from among a plurality of radiological imaging archiving systems based on the customer's radiological imaging system usage, (Corvin, fig. 3-6, ¶ 3, 4, 7-11) (evaluating the feasibility of a medical diagnostic and imaging system is considered equivalent to

Art Unit: 3626

establishing a suggested radiological image archiving system since it performs an identical function in substantially the same way and produces substantially the same results).

18. As per claim 20, Corvin discloses a method of providing a customer with economic data regarding a supplier's radiological image archiving system, the method comprising the acts of:

storing a query page adapted to elicit radiological imaging system information from a customer on an electronic information system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11);

enabling a customer to access and complete the query page via an electronic communication system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11); and

storing a computer program operable to establish an economic benefit of purchasing a supplier's radiological image archiving system based on the radiological imaging system information received from a customer on the electronic information system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

19. As per claim 21, Corvin discloses a method further comprising storing a computer program operable to establish a cost of purchasing a supplier's radiological image archiving system based on the radiological imaging system information received from the customer, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

20. As per claim 22, Corvin discloses a method further comprising storing a



Art Unit: 3626

computer program operable to establish an expected payback period from purchasing a supplier's radiological image archiving system based on the economic benefit and the cost of purchasing the radiological image archiving system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

21. As per claim 29, Corvin discloses an electronic information system, comprising:  
a query page stored in the electronic information system, wherein the electronic information system provides the query page to the customer via an electronic communication system, wherein the query page comprises at least one question designed, when completed by the customer, to enable the information system to establish an amount of storage capacity in a digital radiological image archiving system corresponding to an amount of radiological images produced by a customer over a specified time period, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

22. As per claim 30, Corvin discloses an electronic information system, comprising an application stored in the electronic information system, wherein the application establishes an expected cost savings associated with storing radiological images in a digital radiological imaging system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**23. Claims 5, 23-27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin in view of Jamroga et al., (U.S. 6,574,742).**

24. As per claim 5, Corvin discloses a system wherein the application establishes the expected cost reduction resulting from usage of the supplier's radiological image archiving system, (Corvin, fig. 1, ¶ 5, 6, 18, 19, 43).

Corvin fails to disclose that the cost savings are based on a reduction in radiological film usage. However, the preference for digital images over film is well-known in the art as evidenced by Jamroga, (Jamroga, col. 1, line 15-col. 4, line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Corvin and Jamroga. The motivation would have been to provide a communications, storage, retrieval and delivery device and method for use by participants which improves the speed, reliability and functionality of digital data and

Art Unit: 3626

image storage, retrieval and delivery transactions, (Jamroga, col. 4, lines 47-51).

25. As per claims 23 and 24, Corvin discloses an electronic information system, comprising:

a query page stored in the electronic information system, wherein the electronic information system provides the query page to the customer via an electronic communication system, wherein the query page comprises at least one question designed, when completed by the customer, to enable the information system to establish an amount of radiological imaging film consumed by a customer over a specified period of time, (Corvin, fig. 3-6, ¶ 3, 4, 7-11); and

an application stored in the electronic information system, wherein the application establishes an expected reduction in cost due to use of a radiological image archiving system provided by a supplier of radiological image archiving systems, (Corvin, fig. 1, ¶ 5, 6, 18, 19, 43).

Corvin fails to disclose that the cost savings are based on a reduction in radiological film usage. However, the preference for digital images over film is well-known in the art as evidenced by Jamroga, (Jamroga, col. 1, line 15-col. 4, line 45).

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

Art Unit: 3626

26. As per claim 25, Jamroga further discloses a system wherein the radiological imaging archiving system provided by the supplier stores radiological images in a film-less format, (Jamroga, col. 1, line 15-col. 4, line 45).

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

27. As per claim 26, Corvin further discloses a system wherein the application establishes an expected cost of the radiological image archiving system provided by the supplier, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

28. As per claim 27, Corvin further discloses a system wherein the expected cost is based on the amount of radiological imaging system usage by the customer, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

29. As per claim 28, Corvin further discloses a system wherein the application establishes a payback period for the radiological image archiving system based on the expected cost reduction and the expected cost of the radiological image archiving system, (Corvin, fig. 3-6, ¶ 3, 4, 7-11).

Art Unit: 3626

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

30. As per claim 31, Corvin further discloses a system wherein the application establishes an expected cost savings using the digital radiological image archiving system, (Corvin, fig. 1, ¶ 5, 6, 18, 19, 43).

Corvin fails to disclose that the cost savings are based on a reduction in radiological film usage. However, the preference for digital images over film is well-known in the art as evidenced by Jamroga, (Jamroga, col. 1, line 15-col. 4, line 45).

The reasoning and motivation to combine Corvin and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

**31. Claims 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin in view of Wong et al., (U.S. 6,260,021).**

32. As per claim 6, Corvin fails to disclose a system wherein the application is written in Java script. However, Java script is well-known in the art as evidenced by Wong, (Wong, col. 12, lines 6-19).

It would be obvious to one of ordinary skill in the art to combine Corvin with Wong. The motivation would have been to download GUI components as needed for the medical image and report information to be displayed, (Wong, col. 12, lines 6-19).

Art Unit: 3626

**33. Claims 12, 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin in view of Funahashi, (U.S. 6,820,100).**

34. As per claim 12, Corvin fails to disclose a system wherein the expected cost reduction comprises a reduction in optical discs used in a customer's existing radiological image archiving system. However, such a system is well-known in the art as evidenced by Funahashi, (Funahashi, col. 2, lines 52-59).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Corvin with Funahashi. The motivation would have been to avoid having to delete old files to make room for new files, (Funahashi, col. 2, lines 47-51).

35. As per claim 32, Corvin fails to disclose a system wherein the application establishes an expected cost savings based on a decrease in optical disc consumption for archiving of radiological images. However, such a system is well-known in the art as evidenced by Funahashi, (Funahashi, col. 2, lines 52-59).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Corvin with Funahashi. The motivation would have been to avoid having to delete old files to make room for new files, (Funahashi, col. 2, lines 47-51).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Sitka et al., (U.S. 6,349,373); DiRienzo, (U.S.

Art Unit: 3626

6,006,191); Yoshino et al., (U.S. 5,185,696); Levenstien, (U.S. 6,226,625); Pinsky et al., (U.S. 5,655,084); Patel et al., (U.S. 7,007,274); Inga et al., (U.S. 5,321,520); and, Dan Balaban, *Pioneers Assess The Role Java Can Play In Health Care*, Health Data Management, New York, July 1998, vol. 6, issue 7, p. 63.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER